



September 7, 2018

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: *Ex Parte* Communication: WC Docket No. 17-144**

Dear Ms. Dortch:

On September 5, 2018, Bob DeBroux of TDS Telecom, and Genny Morelli and the undersigned of ITTA, along with Mike Skrivan of Consolidated Communications and Lynn Follansbee of USTelecom participating by telephone, met with Kris Monteith, Lisa Hone, Eric Ralph, Joseph Calascione, Pam Arluk, David Zesiger, Doug Slotten, Justin Faulb, Belinda Nixon, and Shane Taylor of the Wireline Competition Bureau (Bureau) regarding the Notice of Proposed Rulemaking in the above-referenced proceeding.<sup>1</sup>

As an initial matter, we discussed the impact on the instant proceeding of the recent decision of the U.S. Court of Appeals for the Eighth Circuit remanding to the Commission portions of the Commission's business data services order for price cap carriers relating to TDM transport services, on account of the Commission having provided inadequate notice.<sup>2</sup> We addressed potential approaches towards providing interim relief regarding TDM transport services in the instant proceeding during the pendency of the remand to the Commission of TDM transport services issues in the price cap carrier context, in the event the Commission is not inclined to deregulate TDM transport services in the instant proceeding at this juncture. We urged the Commission to continue to move forward expeditiously with an order in the instant proceeding.

We also followed up a recent meeting with Bureau staff to further address why TDM transport services should be deregulated for the entities covered by the *NPRM*.<sup>3</sup> We presented

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<sup>1</sup> *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers*, Notice of Proposed Rulemaking, FCC 18-46 (Apr. 18, 2018) (*NPRM*).

<sup>2</sup> See *Business Data Services in an Internet Protocol Environment et al.*, Report and Order, 32 FCC Rcd 3459 (2017), *aff'd in part, vacated in part sub nom. Citizens Telecomm. Co. of Minnesota v. FCC*, No. 17-2296, at 12-21 (8<sup>th</sup> Cir. Aug. 28, 2018).

<sup>3</sup> See Letter from Michael J. Jacobs, Vice President, Regulatory Affairs, ITTA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-144 (filed Aug. 10, 2018).

Ms. Marlene H. Dortch  
September 7, 2018  
Page 2

the attached redacted versions of sample study areas showing fiber routes and fiber lit buildings of competitors to one such entity.<sup>4</sup>

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Michael J. Jacobs  
Vice President, Regulatory Affairs

Attach.

cc: Kris Monteith  
Lisa Hone  
Eric Ralph  
Joseph Calascione  
Pam Arluk  
David Zesiger  
Doug Slotten  
Justin Faulb  
Belinda Nixon  
Shane Taylor

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<sup>4</sup> If ITTA and USTelecom were to submit comparable showings in unredacted form, they would seek the Commission's according of confidential treatment to such showings.